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SUBJECT: Niger: Government Delegation Walks out of Political Talks  
to Protest ECOWAS Statement

Ref: a) Niamey 1008, b) Niamey 1005, c) Niamey 1004

ECOWAS Statement Cites End of President Tandja's Mandate

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11. On December 22, the Economic Commission of West African States (ECOWAS) issued a statement at its headquarters in Abuja regarding the end of President Tandja's term in office under the 1999 Constitution, subsequently superseded by the disputed August 4 referendum's new constitution. In the statement, ECOWAS said it "takes note of the fact that December 22, 2009, marks the legal end of the mandate of President Mamadou Tandja."

GON Delegation Walks Out of Talks in Response

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12. On December 23, as the Inter-Nigerien Political Dialogue (INPD) proceeded, Radio France International (RFI) reported that the Government of Niger's (GON) delegation walked out of the INPD in protest of the ECOWAS statement. Mohamed Ben Omar, a member of the new National Assembly and former Minister of Communication and Government Spokesperson, told RFI that, "We do not understand that ECOWAS appoints a mediator...then, while talks are ongoing, issues this statement...ECOWAS has clearly taken sides with the opposition. Now, the true opposition is not the CFDR, but ECOWAS...We will not return to the negotiation table until ECOWAS retracts its statement and recognizes the Sixth Republic." The current Minister of Communication and Government Spokesperson Kassoum Moctar stated, "We believe this is not a decision of the ECOWAS leaders...this is a sabotage from some isolated staff members...these are irresponsible acts." Nouhou Arzika, a civil society leader and President Tandja supporter, said that the ECOWAS statement was "the act of a few staff members within the ECOWAS offices...we told the ECOWAS Mediator to ask them to refrain from such actions...We will say goodbye to Abdusalami (the Mediator)."

INPD Talks at Loggerheads over Agenda

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13. On December 22, the INPD talks deadlocked as the two delegations could not agree on the agenda. The Opposition proposed the following steps: annulment of the August 4 referendum; annulment of all Executive decisions taken in the context of the implementation of Article 53 of the 1999 Constitution (cited by President Tandja in assuming emergency powers); creation of new government bodies to conduct a transition; and determining a schedule for new presidential and legislative elections. The GON side first announced that it did not have a proposal; then, after conferring, noted its position: the new constitution is a national achievement that is irreversible and the extension of the President's mandate by three years is also irreversible.

Comment

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14. Some observers interpret the ECOWAS statement as implying that the regional organization no longer recognizes President Tandja as head of state constitutionally. Others thought the statement came as a response to the President's commentary about ECOWAS on December

20 (ref A). End comment.

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